



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,201	02/17/2004	David W. Arnold	HRA-14911	9921

27505 7590 08/29/2005

RANKIN, HILL, PORTER & CLARK LLP
4080 ERIE STREET
WILLOUGHBY, OH 44094-7836

EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
----------	--------------

3611

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,201

Applicant(s)

ARNOLD, DAVID W.

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18,21 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 19,20,22 and 27-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hillman 4445587.

Hillman discloses a motorcycle 10 comprising
Frame 12, front 18, and rear 20, wheels, seat (unidentified, inherent),
Radiator 26 mounted to the frame, and disposed between the engine and rear wheel (fig 2),

Fan assembly (fig 2) disposed between the radiator and rear wheel, directing air toward the rear wheel (c2, ln 54-58),

The assembly being disposed beneath the seat (fig 2), and

Including at least one fan 66 held by the mounting structure in a position disposed rearward, and in alignment with the radiator,

The fan including motor 68 with an impeller and shroud (both unidentified, inherent).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hillman in view of Morinaka et al 4632206.

Hillman does not disclose a plurality of fans, while Morinaka provides two fans 66, 68, in a suggested configuration. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include more than one fan, as shown in Morinaka, for increased direction of air towards the radiator(s), dependent on the particular application, thus improving performance of the engine and other components.

3. ALLOWABLE SUBJECT MATTER

- a. **Claims 19, 20, 22 and 27-30** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the invention described above further comprising, *inter alia*, inner and outer rear fenders.
- b. **Claims 1-17** are allowable because prior art does not disclose a motorcycle comprising, *inter alia*, a radiator mounted to a rear swing frame, and disposed between an engine and the rear wheel (Claim 1).

4. The prior art found pertinent to the disclosure, but not relied upon, includes:
Hamane 4582158, 4577720.

5. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300.

Information re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System as follows: for unpublished apps - private PAIR only, for published apps - private or public PAIR. For more info on PAIR - <http://pair-direct.uspto.gov>. For more info on private PAIR - call the Electronic Business Center at 866 217 9197.

Ms. Lee Lum-Vannucci
Examiner
8/16/05

